

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLENE CARTER,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	CIVIL ACTION
	)	
SOUTHWEST AIRLINES CO.,	)	NO.: 3:17-cv-02278-X
AND TRANSPORT WORKERS	)	
UNION OF AMERICA, LOCAL	)	
556,	)	
	)	
Defendants.	)	

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CERTIFICATE OF NONAPPEARANCE OF

BRETT NEVAREZ

JULY 4, 2022  
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CERTIFICATE OF NONAPPEARANCE FOR THE  
DEPOSITION OF BRETT NEVAREZ was taken in the  
above-styled and numbered cause on July 4, 2022,  
via Zoom Videoconference, before Melody A. Monk,  
CSR in and for the State of Texas, reported by  
machine shorthand, pursuant to the Federal Rules  
of Civil Procedure, and the provisions stated on  
the record or attached hereto.

1 A P P E A R A N C E S

2 (All parties appearing via Zoom Videoconference)

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FOR THE PLAINTIFF:

4

MATT HILL

5

Pryor & Bruce

302 North San Jacinto

6

Rockwall, Texas 75087

972.771.3933

7

Mhill@pryorandbruce.com

8

MATTHEW B. GILLIAM

National Right to Work Legal Defense

9

Foundation, Inc.

8001 Braddock Road, Suite 600

10

Springfield, Virginia 22160

703.321.8510

11

Mbg@nrtw.org

12

13

FOR THE DEFENDANT SOUTHWEST AIRLINES CO.:

14

PAULO B. MCKEEBY

15

Reed Smith

2850 North Harwood Street

16

Suite 1500

Dallas, Texas 75201

17

Pmckeeby@reedsmith.com

18

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FOR THE DEFENDANT TRANSPORT WORKERS UNION OF  
20 AMERICA:

21

EDWARD B. CLOUTMAN, III

Law Offices of Edward Cloutman III

22

3301 Elm Street

Dallas, Texas 75226

23

214.232.9015

Ecloutman@lawoffices.email

24

25

1 ADAM S. GREENFIELD  
Cloutman & Greenfield, PLLC  
2 3301 Elm Street  
Dallas, Texas 75226  
3 Agreenfield@candglegal.com

4 ALSO PRESENT:  
Lisa Block, Videographer  
5 Charlene Carter  
Chris Maberry  
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1 MR. HILL: My name is Matt Hill. I  
2 represent Charlene Carter.

3 Can other counsel state their  
4 appearances.

5 MR. MCKEEBY: Paulo McKeeby for  
6 defendant Southwest Airlines.

7 MR. GREENFIELD: Adam Greenfield on  
8 behalf of Transport Workers Union Local 556, and  
9 Edward Cloutman, III is here as well. We are both  
10 in Dallas, Texas.

11 MR. HILL: We are here for the  
12 deposition of Brett Nevarez. It has been noticed  
13 for 1 o'clock Central Time on July 4th of 2022 via  
14 Zoom with a link included in the notice of  
15 deposition. In addition to that, Mr. Nevarez,  
16 Mr. Brett Nevarez, a Southwest employee, was sent  
17 a subpoena that was delivered on Friday,  
18 July 1st -- let me make sure that's right.

19 MR. MCKEEBY: It is.

20 MR. HILL: July 1st.

21 MR. MCKEEBY: I think that's what you  
22 represented previously.

23 MR. HILL: Yes.

24 We will file a -- an affidavit of, of  
25 service with respect to that. We all were here at

1 1 o'clock at the -- 1 o'clock Central at the  
2 noticed time and Mr. Nevarez was not on the call.  
3 We all waited until 2 o'clock -- 2:15, I'm sorry,  
4 and Mr. Nevarez never did arrive for the  
5 deposition.

6 As a result, we are taking a  
7 certificate of nonappearance. We'll seek  
8 appropriate relief with the Court.

9 MR. MCKEEBY: You'll seek appropriate  
10 what?

11 MR. HILL: Relief from the Court.

12 MR. MCKEEBY: Well, we will address  
13 the efforts that Southwest, both through its  
14 outside counsel and internally, made to secure the  
15 attendance of Mr. Nevarez at the deposition, and I  
16 think the union did as well, but we will do so in  
17 response to whatever appropriate relief plaintiff  
18 seeks.

19 MR. HILL: Right.

20 MR. GREENFIELD: The union echos that  
21 sentiment.

22 MR. HILL: Nothing further from me.

23 MR. MCKEEBY: Nothing further from me.

24 MR. GREENFIELD: Nothing further here.

25 THE REPORTER: Does anyone want to

1 purchase a copy?

2 MR. MCKEEBY: No.

3 MR. GREENFIELD: No, thank you.

4 (Proceedings concluded).

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1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

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4 I, Melody A. Monk, Certified Shorthand  
5 Reporter, duly qualified in and for the State of  
6 Texas, certify that the foregoing pages  
7 constitutes a full, true and correct transcript of  
8 the proceedings had before me.

9

10 I further certify that I am neither  
11 counsel for, nor related to, any parties in this  
12 cause and am not financially interested in the  
13 outcome.

14

15 GIVEN UNDER MY HAND OF OFFICE on this July  
16 4, 2022.

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19

20   
Melody A. Monk, RPR  
21 Texas CSR No. 3613  
Expires 10.21.2022

22

23 MELODY MONK REPORTING  
Firm Registration No. 10821  
24 1999 McKinney Avenue, No. 1404  
Dallas, Texas 75201  
25 888.988.5317 (phone and fax)

